

Hon Steven Marshall MP

Premier

Hon Vickie Chapman MP

Attorney-General

Monday 28 May 2018

South Australia to join National Redress Scheme

The Marshall Liberal Government has today announced South Australia will join the National Redress Scheme to provide financial and therapeutic support for people who were sexually abused as children in government institutions.

“Joining the National Redress Scheme is an important step in the State Government taking responsibility for and helping to heal the pain caused by the sexual abuse of children in government institutions,” said Premier Steven Marshall.

“Nothing can undo the inexcusable abuse that survivors experienced as children, but we can acknowledge what they have been through and provide financial compensation and emotional support.”

Attorney-General Vickie Chapman said the move would ensure South Australia joined other states and territories in recognising the importance of a nationally consistent approach to the devastating impact of institutional child sexual abuse.

“By opting in to this scheme, the Government of South Australia is working to ensure financial support and counselling is available to those people who suffered unthinkable abuse in government and private institutions,” she said.

Ms Chapman said that the Government was working to develop the practical arrangements needed to implement the scheme in South Australia.

The Federal laws governing the scheme are due to come into effect from 1 July 2018.

South Australia will require state-based legislation to be passed which adopts the national scheme and administrative arrangements to be put in place to allow the scheme to operate at a state level.

The passage of state legislation will pave the way for South Australian private institutions to formally opt-in to the national scheme.

“We will continue to work with the Commonwealth on arrangements between the State and Federal Government that will enable South Australian survivors of child sex abuse to access the scheme,” said Ms Chapman.

“The scheme is complex to implement because it requires identification of all potentially relevant institutions and their records, including those which may have ceased operation many decades ago.

“At this stage we anticipate it could take up to 12 months to finalise all arrangements, including engaging with service providers and stakeholders about implementation at a local level.”

Ms Chapman said the Government is still accepting applications for the existing South Australian ex-gratia payment scheme while details of the commencement of the national redress scheme in this state were being finalised.

She said she hoped religious, charity and non-Government organisations would follow the State Government's lead and publicly commit to join the national redress scheme as soon as possible.

"As we all know abuse was not limited to government-run facilities," said Ms Chapman.

"Non-government institutions in which children were sexually abused should take responsibility for their failures and participate in this scheme.

"The State Government will provide the legislative ability for them to do so – but I encourage all private institutions in the meantime to indicate their intention to participate in the scheme to provide survivors with the comfort that they will soon be able to access the support that the national redress scheme aims to provide."

BACKGROUND

- The Royal Commission into Institutional Responses to Child Sexual Abuse recommended the establishment of a national redress scheme (the Scheme) for survivors of institutional child sexual abuse in its Redress and Civil Litigation report released in September 2015. The Australian Government is leading the development of the Scheme in which States and non-government institutions (NGIs) are invited to participate.
- The Scheme adds to existing ex gratia payments provided by the SA Government following the Mullighan enquiry, and the Liberal Government's commitment to introduce legislation removing the time limits for victims of child sexual abuse to claim civil remedies.
- The Scheme will be centrally administered by the Federal Department for Social Services (DSS). Applicants found by DSS to be eligible for redress under the Scheme will be entitled to:
 - a monetary payment of up to \$150,000
 - counselling and psychological care consistent with minimum standards, and
 - a 'direct personal response' from the relevant responsible institution consistent with minimum standards.
- Modelling commissioned by DSS has estimated the cost to the South Australian government of full Scheme participation to be \$146 million (based on an estimated 1,690 eligible applicants abused within SA government institutions)
- AGD has advised 491 individuals in total have contacted the Crown Solicitor's Office in relation to a claim for sexual abuse in state care (not all have commenced legal action).
- State governments will also assume 'funder of last resort' responsibilities where jointly responsible institutions are unable to pay redress due to insolvency or having ceased operation.
- The Scheme requires a constitutional referral of legislative powers from each State (which requires State legislation to be prepared and passed).